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Application Number	10/729,309
Filing Date	12/05/2003
First Named Inventor	Gregory M. Dobbs
Group Art Unit	3743
Examiner Name	Allen J. Flanigan

Total Number of Pages in This Submission

13

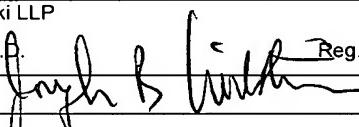
Attorney Docket Number

965-009 Con2

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
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<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Wall Marjama & Bilinski LLP Joseph B. Milstein, Ph.D.	Reg. No. 42,897
Signature		
Date	December 2, 2004	

## CERTIFICATE OF MAILING

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/729,309  
Applicant : Gregory M. Dobbs, et al.  
Filed : December 5, 2003  
Title : A PLATE-TYPE HEAT EXCHANGER  
TC/A.U. : 3743  
Examiner : FLANIGAN, ALLEN J.  
Docket No. : 965-009CON2  
Customer No. : 20874

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
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**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement mailed from the United States Patent and Trademark Office on November 2, 2004, Applicants elect the following generic claim and species claims depending therefrom, so as to be considered to have responded substantively to the Restriction Requirement:

generic claim 37 directed to an energy recovery ventilator comprising a separator comprising an at least partially sulfonated random hydrocarbon copolymer ionomer membrane;

dependent claim 38 (limiting membrane to be permeable to water vapor);

dependent claim 40 (limiting gas streams to counterflow relationship);

dependent claim 41 (adding limitation of a three-dimensional structure disposed in at least one passageway); and

dependent claim 43 (three-dimensional structure of claim 41 comprises pyramids).

Applicants respectfully wish to point out that they believe that generic claim 37 is allowable. Applicants respectfully point out that, in such an instance, all claims depending from an allowable generic claim are also allowable. Hence, in the event that generic claim 37

Response to Restriction Requirement  
USSN 10/729,309  
Attorney Docket No. 965-009CON2  
Inventor: DOBBS et al.  
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is deemed allowable, claims 39, 42, and 44-52 are also to be considered as elected claims, and in this regard, Applicants traverse the Restriction Requirement.

Applicants believe that no fees are due on account of the submission of this paper. However, if Applicant is incorrect and fees are due, the Director is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0289.

Applicants attach hereto a copy of all claims presently pending in the application. Claims 37-52 were originally present at the time the present application was filed. Applicants believe the pending claims of the above-captioned application are in allowable form and are patentable over the prior art of record. Applicants respectfully request consideration of the pending claims and a prompt Notice of Allowance thereon.

Please direct any questions or comments to Joseph B. Milstein at (315) 425-9000.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP



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Date: December 2, 2004

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